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Serial Number : 10/606695
Supplemental Amendment

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REMARKS

This Supplemental Amendment is in response to the Examiner's Office Action of 03/09/2004 and a telephone request from Examiner Price for certain clarifications.

The Examiner has rejected Claim 1 "under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of copending Application No. 10/606,688. . . a provisional double patenting rejection". This rejection is traversed in light of this amendment and terminal disclaimer. Submitted herewith is an amendment to Claim 1 which adds to line 18 the specific "double O-ring" arrangement as part of the claimed lantern, a system found nowhere in the prior art or in applicant's '688 application. Also, submitted previously was a terminal disclaimer directed in a provisional manner with regard to copending application Serial No. 10/606,688.

The Examiner has then rejected Claim 1 "under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6,688,877" and "under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,688,877". Submitted previously was a terminal disclaimer. It is deemed that these rejections are not well taken in view of the terminal disclaimer and amendment previously submitted and associated remarks herein.

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The Examiner has rejected Claims 2 - 6 "under 35 U.S.C. 103(a) as being unpatentable over FR '898 (FR 544898) in view of Hanje et al and Yang (U.S. Patent No. 5702239)." In this combination rejection, the Examiner alleges that these claims are directed solely to a pump. Such is not well taken. Amendments have been made to line 1 et seq of independent claims 2 and 3 and hence dependent claims 4, 5 and 6. Such amendments more clearly define all the claims as directed to a lantern. It is urged that these claims, unlike the applied prior art, are directed to a lantern with a pump utilizing a liquid fuel with a double O-ring pump for the fuel. The claims have also been amended to bring out additional differences to further define patentable subject matter.

In addition to amending the claims to clearly define a specific lantern system with the improved pump subassembly, details of the double O-ring subassembly are now also more clearly claimed by the amendment herewith. More specifically, claim 2, lines 7 through 16, describes the interior guard and exterior guard with an intermediate guard there between. Also now claimed by an amendment to the penultimate line is the distance between the interior and interior guards being greater than the distance between the intermediate and exterior guards. Similar language has been added to the last line of claim 3.

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There is no teaching or suggestion of the three spaced guards with spaced O-rings there between and with a beveled seat extending from the interior guard. The French reference '898 does not have such claimed arrangement nor does Hanje or Yang, nor does anything in the prior art whether taken alone or in combination.

It is deemed that applicants' invention, as presently claimed, in light of the amendments herein, defines patentable subject matter and constitutes a distinct advantage over the technology of the prior application which was co-pending with the present application and over the co-pending application which was filed on the same date as the instant application. More specifically, the present application is significantly different from all lanterns prior to applicants' invention. The present application also differs from the invention of applicants' co-pending application in that the present invention features a double O-ring pump for the fuel. Further the submission of terminal disclaimers herewith will preclude applicant from improperly extending his monopoly from a chronological standpoint.

In summary then, it is urged that applicants' invention is new, not being disclosed by the prior art, whether alone or in combination. Applicants' invention is useful as a significant

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step forward in lanterns and it is urged that applicants' invention is unobvious over the prior art, whether taken alone or in combination.

Reconsideration and a notice of allowance are hereby requested.